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K&K INSURANCE GROUP, INC., d/b/a SPECIALTY
BENEFITS ADMINISTRATOR, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SEAN MICHAEL CARTER,

Plaintiff,

v.

K&K INSURANCE GROUP, INC., d/b/a
SPECIALTY BENEFITS ADMINISTRATOR,
INC.; NATIONWIDE LIFE INSURANCE
COMPANY; NATIONWIDE MUTUAL
INSURANCE COMPANY; AON
CORPORATION and DOES 1 to 100,

Defendant.

No. 3:07-CV-05588-CRB

DEFENDANT K&K INSURANCE
GROUP, INC.'S NOTICE OF MOTION,
MOTION TO DISMISS OR, IN THE
ALTERNATIVE MOTION FOR MORE
DEFINITE STATEMENT

Filing Date: June 26, 2007
Hearing Date: January 18, 2008
Time: 10 a.m.
Dept.: Courtroom 8
(The Hon. Charles R. Breyer)

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on Friday, January 18, 2008, at 10:00 a.m. or as
soon thereafter as the matter may be heard, in the Courtroom of the Honorable Charles R.
Breyer, located at Courtroom 8 of the United States District Court, Northern District of
California, 450 McAllister Street, San Francisco, CA 94102, defendant K&K Insurance Group,
Inc. (K&K) will, and hereby does, move this Court for an order dismissing plaintiff Sean
Michael Carter's complaint against K&K for failing to state a claim on which relief may be
granted under Fed. Rule Civ. Proc. 12(b)(6). In the alternative, K&K also will, and hereby does,
move this Court for an order requiring Plaintiff to provide a more definite statement in his

1 complaint pursuant to Fed. Rule Civ. Proc. 12(e).

2 The motions are based on this Notice of Motion and Motion, Memorandum of
3 Points and Authorities, Proposed Order, and Request for Judicial Notice filed and served on
4 November 30, 2007, all pleadings and papers on file herein, any other oral or documentary
5 evidence that may be provided at the hearing on this motion, and such other matters as to which
6 this Court may take judicial notice or may otherwise take notice at the hearing on these motions.

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9 DATED: November 30, 2007

Bingham McCutchen LLP

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11 By: _____/s/
12 Elizabeth Kennedy
13 Attorneys for Defendants
14 K&K INSURANCE GROUP, INC.,
15 d/b/a SPECIALTY BENEFITS
16 ADMINISTRATOR, INC.
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